

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MYLON MAYFIELD and ROBERT COKES,

Defendants.

8:17CR224

ORDER

This matter is before the Court on the magistrate judge's¹ Order and Findings and Recommendation (Filing No. 54), denying defendant Robert Cokes's Motion to Sever (Filing No. 40) as moot because his named codefendant pled guilty and recommending the Court deny his Motion to Dismiss (Filing No. 42) without prejudice because a definitive ruling on the constitutional issue Cokes raises would be premature at this stage. Neither party has objected to the magistrate judge's Order and Findings and Recommendation within the time permitted. *See* 28 U.S.C. § 636(b)(1) (requiring de novo review of "those portions of the report or specified proposed findings or recommendations to which objection is made"); Fed. R. Crim. P. 59 (a), (b)(2) (stating that failing to timely object waives the right to review of both nondispositive and dispositive matters); NECrimR 59.2(a), (e). In light of the foregoing,

IT IS ORDERED:

1. The magistrate judge's findings and recommendation (Filing No. 54) are accepted in their entirety.
2. Defendant Robert Cokes's Motion to Dismiss (Filing No. 42) is denied without prejudice to reassertion at trial.

Dated this 27th day of September, 2017.

BY THE COURT:

s/ *Robert F. Rossiter, Jr.*
United States District Judge

¹The Honorable Michael D. Nelson, United States Magistrate Judge for the District of Nebraska.